


summary judgment dismissing defendant's counterclaim with prejudice and awarding judgment to plaintiff in the amount of \$30,000.00; and

TAKE FURTHER NOTICE that in support of the motion, the undersigned shall rely on the Memorandum of Law submitted in support of the Motion; the Statement of Material Facts Not in Dispute pursuant to Civ. Rule 56.1; the Affidavit of Melinda B. Maidens, Esq., with exhibits annexed; the written discovery and deposition testimony on the record in this action; and upon such other and further arguments, documents and grounds as may be advanced in the future; and

TAKE FURTHER NOTICE, that unless the Court, prior to the return date hereof, authorizes or directs otherwise, no testimony shall be taken at the hearing on the motion, except by certification or by affidavit; and

TAKE FURTHER NOTICE that this motion shall be deemed uncontested unless responding papers are timely filed and served.

Dated: September 21, 2010



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